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| <b>DEPARTMENT OF HUMAN RESOURCES<br/>FAMILY INVESTMENT ADMINISTRATION</b> | <b>TEMPORARY CASH ASSISTANCE<br/>MANUAL</b> |
| Chapter IV: <b>Application</b>  | <b>COMAR 07.03.03.23</b>                    |
| Section 2: <b>Non-discrimination</b>                                      |   |

## General Statement

DHR and its representatives or contractors must comply with Federal and State civil rights laws prohibiting discrimination against any individual or group. This section discusses non-discrimination.

### I. REQUIREMENTS

- A. A local department or its contractors **may not** discriminate against an applicant or recipient because of:

|                             |  |
|-----------------------------|--|
| Race                        | Age  |
| Color                       | Marital Status                               |
| National origin             | Mental or physical disability                |
| Gender                      | Religious or political affiliation or belief |
| Limited English Proficiency | Cultural differences                         |
| Sexual orientation          | Ethnicity                                    |

- B. Customers may not be:

1. **Denied** benefits and services because of discrimination,
2. **Subjected** to segregation or separate treatment,
3. **Restricted** from any advantage or benefit of the program,
4. **Treated** differently in determining if eligibility requirements are met, or
5. **Refused** a referral for training or employment

### II. Requirements of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA)

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the local department of social services (LDSS) and its representatives or contractors may be required to make special accommodations in order to serve disabled individuals and ensure compliance with the law. There are three key requirements that protect the rights of customers with disabilities and are requirements that the LDSS, its representatives and contractors must follow:

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**A. Ensure equal access to all DHR programs by:**

1. Offering individualized treatment and evaluation of each customer on a case-by-case basis.
2. Not assuming that disabled people can only perform rudimentary activities.
3. Guaranteeing that customers with disabilities receive the same opportunities as customers without disabilities

**B. Modifying practices and procedures to the extent possible to ensure equal opportunity**

1. Adjust, to the extent possible, the application process, training and education programs, work activities and other factors to ensure equal opportunities.
2. The modifications should not result in program alterations or undue financial and administrative burdens.

**C. Provide non-discriminatory program administration:**

1. Ensure service providers are experienced and skilled in working with individuals with disabilities.
2. Assess the treatment that customers receive from contractors and vendors.
3. Protect customers from experiencing disability–related discrimination resulting from unlawful actions by contractors and vendors.

**III. Complaints of Discrimination**

**A. Individual may file a written complaint explaining the circumstances of the alleged discrimination with any of the following:**

1. Secretary of DHR
2. DHR, Director, Office of Employment and Program Equity
3. Office of Civil Rights, U.S. Department of Health and Human Services, Region III, Philadelphia, PA

**B. Within 60 days, DHR investigates and informs the complainant of its findings**

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C. Case managers must:

1. Advise customers of their rights and responsibilities during the application and recertification process
2. Assist applicants and customers in filing a complaint of discrimination if the customer feels he or she has been discriminated against
3. Respect cultural differences, protect customer rights and make accommodations that are mutually acceptable

D. The local department must:

1. Display posters which clearly tell the customer how to file a discrimination complaint
2. Provide the customer with the pamphlet entitled, "Discrimination: You Can Do Something About It" Form DHR/Pub.EEO 5035

**EXAMPLES**

- I. Kelly Kelso receives TCA for herself and her son. She cannot read and write and in school was always in special education classes. Ms. Kelso is unemployed and states she never worked. She states she would like to work as a hospital aide or lab technician. There are job openings in the hospitals, but all require reading and writing.

The case manager places Ms. Kelso in a sheltered workshop training program, which only caters to people with disabilities, where professionals tutor her in reading and teach her to sew on commercial machines.

**How could this be potentially discriminatory?**

- The placement provides a service which may lead to employment but may not be as effective as services provided to others with similar interests who were placed in hospital or medical training programs
  - Was Ms. Kelso considered for jobs training programs in her primary area of interest or just placed in the program for people with disabilities because she has a disability?
  - Ms. Kelso has the right to file a complaint if she believes that the placement was discriminatory because of her disability.
2. Penny Pennsylvania notices that only men are referred for jobs at a construction site. The case manager confirms that this is true because all the available jobs

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require extremely heavy lifting and Ms. Pennsylvania is very petite. She does not believe this and wants to file a discrimination complaint.

**What should the case manager do now?**

- Ms. Pennsylvania has the right to file a complaint at any time she believes she has been discriminated against
- The case manager must offer to help her file the complaint if she asks for help.

**Assessment of individuals to determine the needs of people with disabilities**

1. Provide an assessment of all individuals, which includes a determination of:
  - Whether the individual has one or more disabilities;
  - Nature of the disability;
  - Extent to which an applicant is capable of employment or participation in employment-related activities;
  - Under what conditions the individual is capable of employment;
  - Implications of the disability on immediately securing employment;
  - Appropriateness of a particular work assignment;
  - Need for reasonable accommodations, auxiliary aids, policy modifications, additional training and education, services and communication assistance.
  - Applicability of work participation rules, time limits and sanctions.
2. Ensure the customer that the assessment is part of the job training and education process for everyone.
3. Ensure equal employment related opportunity by involving medical, psychological, vocational, and rehabilitation experts trained in making assessments of adults with disabilities where needed.

**Job Training/Education Stage**

1. Ensure that training and educational opportunities are accessible for customers with disabilities. Specifically, are they accessible for people with:
  - a. Mobility impairments (someone in a wheel chair or using crutches),
  - b. Communication impairments (someone who is deaf or cannot speak),
  - c. Developmental impairments (someone who may have cerebral palsy )and
  - d. Mental or emotional impairments (an individual who is bi-polar or depressed.)

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- a. Train case managers or other agency individuals, who are responsible for securing placements for job training and education programs that are operated by other agencies or entities, to secure appropriate placements for customers with disabilities.
- b. Inform all outside contractors who provide customer services of their obligations, under the ADA and Section 504, to modify policies and procedures to ensure equal benefit opportunities.
- c. Develop a method of determining the ability of an individual with disabilities to function in a training program. Develop a procedure of monitoring individual progress and to determine if needed accommodation is provided.

### **Work Program Stage**

1. Determine if modifications or accommodations to work site or job opportunity are necessary because of customer disability.
2. Ensure that employers are aware of their ADA obligations regarding reasonable accommodation for individuals with disabilities.
3. Ensure that employers assign individuals with disabilities to jobs that accurately reflect their abilities, knowledge and skills.
4. Develop a method of monitoring the ability of individuals with disabilities to handle assigned jobs. Follow up to determine if individual accommodation needs are being met.
5. Address any potential obstacles to sustaining employment for people with disabilities.

### **Additional Application Information**

- ◆ Application- Interview
- ◆ Application- Non-Discrimination
- ◆ Application- Assessment
- ◆ Application- Family Violence
- ◆ Application- Substance Abuse
- ◆ Application- Fraud
- ◆ Application- Verifications

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- ◆ Application- Quality Control
- ◆ Application- Decisions
- ◆ Other Programs and Services-Voter Registration